

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

AVR DAVIS RALEIGH, LLC,

Plaintiff,

v.

**TRIANGLE CONSTRUCTION
COMPANY, INC.,**

Defendant.

CASE NO. 5:16-CV-711-FL

ORDER OF REMAND

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THIS MATTER comes before the Court on the Consent Motion to Remand, which seeks to remand this action to the state court. It appearing to the Court that there is no diversity jurisdiction, and noting that the Motion is consensual, the Motion is hereby GRANTED. Accordingly, the matter is remanded to the Superior Court Division in the General Court of Justice, Wake County, State of North Carolina, pursuant to 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). The pending deadline of September 1, 2016, for Plaintiff to respond to Defendant's motion to dismiss and compel arbitration is no longer applicable. The pending deadline of September 7, 2016, for Plaintiff to respond to Defendant's Counterclaims may be enforced in the state court.

The Parties shall bear their own costs and expenses, including attorney fees, incurred as a result of the removal.

The Clerk of Court is directed to mail a certified copy of this Order of Remand to the clerk of the State court. The State court may thereupon proceed with such case.

IT IS SO ORDERED.



Louise Wood Flanagan
United States District Judge

Date: September 1, 2016